

**ALLEGED VIOLATION:** On or about July 13, 14, and 31, 1946, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused a number of tablets to be removed from the bottle in which they had been shipped, repacked the tablets into envelopes, and sold them to various persons without a prescription, which acts of the defendant resulted in the tablets being misbranded. A portion of the repackaged tablets were labeled "Use as directed," and the remainder of such tablets were labeled "Phenobarbitals 1½ gr. Use as directed."

**NATURE OF CHARGE:** Misbranding, Section 502 (d), the tablets were drugs for use by man and contained a chemical derivative of barbituric acid, which derivative had been found by the Administrator of the Federal Security Agency, after investigation, to be, and by regulations designated as, habit-forming; and the labels of the repackaged tablets failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (f) (1), the envelopes containing the repackaged tablets bore no labeling containing directions for use; and, Section 502 (f) (2), the envelopes containing the repackaged tablets bore no labeling containing warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and duration of administration.

**DISPOSITION:** June 2, 1948. A plea of guilty having been entered, the court imposed a fine of \$75 and a sentence of 6 months in jail, which sentence was suspended, and placed the defendant on probation for 1 year.

**2358. Misbranding of Red Rooster Pills and Gen Tablets. U. S. v. Victor Edison Perry, The Vim Co., and The Vim Vitamin Co.). Plea of guilty. Sentence of 60 days in jail.** (F. D. C. No. 23623. Sample Nos. 68823-H, 69503-H, 69955-H, 69956-H, 70159-H, 70160-H.)

**INDICTMENT RETURNED:** On December 3, 1947, Northern District of Illinois, against Victor Edison Perry, trading as the Vim Co. and the Vim Vitamin Co., Chicago, Ill.

**ALLEGED SHIPMENT:** Between the approximate dates of March 31 and July 5, 1947, from the State of Illinois into the States of Michigan, Wisconsin, and Indiana.

**LABEL, IN PART:** "Red Rooster Famous Red Pills The Pep Company Windsor, Ont., Canada. Each pill contains the following active ingredients: Strychnine Sulfate 1-50 gr., Yohimbine Hydrochloride 1-12 gr., Zinc Phosphidel 1-10 gr.; and the following inert ingredients: Orchic Substance 1-10 gr., Avenin 1 gr., P. E. Damiana 1-20 gr."; or "Gen \* \* \* Tablets \* \* \* Each tablet contains: 1 gr. Acetanilid, with Aloin, Ext. Cascara Sagrada, Podophyllin and Capsicum."

**NATURE OF CHARGE:** *Red Rooster Pills.* Misbranding, Section 502 (a), certain statements and pictures on the label of the article and in circulars entitled "No, You are . . . Not Too Old For Romance," which were mailed to the consignees in certain shipments separate from the shipment of the drug, and in circulars entitled "Perry's World Famous Red Rooster Pills" and "Vim Nature Health Products," which were enclosed with various portions of the drug, were false and misleading. These statements and pictures represented and suggested that the article was famous and would work wonders for man and wife; that it would stimulate sexual desire, give new pep, vim, vigor, and vitality to users, and keep one young; and that the article never failed to give pep for man and wife. The article was not famous, and it would not be effective for the purposes and would not fulfill the promises of benefit stated and implied.

*Gen Tablets.* Misbranding, Section 502 (a), certain statements on the card entitled "World's Best Blood Tonic Gen-Sen For Clean Pure Blood," which was enclosed in the package containing the article, were false and misleading. These statements represented and suggested that the article would be effective as the world's best tonic for clean pure blood, and that it would be effective to stop dizzy headache, to clean and purify the excess acid in blood, to make one feel 10 years younger, to give relief for high or low blood pressure, to build one, to give relief from rheumatism, getting up nights, arthritis, diabetes, lumbago, neuritis, backache, indigestion, lazy liver, neuralgia, nervousness, biliousness, gas, swollen feet, weak kidneys, weak bladder, colds, sinus, coughs, flu, and fever. The article would not be effective for the purposes and would not fulfill the promises of benefit stated and implied. Further misbranding

(both shipments), Section 502 (f) (1), the labeling failed to bear adequate directions for use in the conditions recommended and suggested in the advertising cards "World's Best Blood Tonic Gen-Sen For Clean Pure Blood," which were delivered to the consignee of one shipment and which were shipped with the other shipment.

**DISPOSITION:** May 20, 1948. A plea of guilty having been entered, the court imposed a sentence of 60 days in jail.

**2359. Misbranding of Sanger Special Formula Single Strength Prescription and Sanger Special Formula Double Strength Prescription. U. S. v. Carl J. Greenblatt (G & W Laboratories). Plea of guilty. Fine of \$500 and jail sentence of 3 months; jail sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 23261. Sample Nos. 91126-H, 91127-H.)**

**INFORMATION FILED:** December 5, 1947, District of New Jersey, against Carl J. Greenblatt, trading as G & W Laboratories, Jersey City, N. J.

**ALLEGED SHIPMENT:** On or about February 14, 1947, from the State of New Jersey into the State of New York.

**PRODUCT:** Examination showed that both products were substantially of the same composition. Brown pills consisting essentially of ferrous sulfate, aloes, and oil of tansy, and white pills consisting essentially of jalap, aloes, calomel, and plant extractives, and both with a calcium carbonate sugar coating, were contained in separate envelopes in a box.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements in the leaflet headed "Recommended Instructions" enclosed in the boxes, i. e., "Female Tablets \* \* \* prepared as an aid to delayed menstruation caused by exposure to inclement weather and cold \* \* \* should be continued until desired relief results \* \* \* female \* \* \* prescription," were false and misleading, since they represented and suggested that the article would be efficacious to bring about menstruation when menstruation was delayed, whereas they would not be efficacious for such purposes.

Further misbranding, Section 502 (e) (2), the articles were not designated solely by names recognized in an official compendium and were fabricated from two or more ingredients; they contained a preparation of mercury, calomel; and their labels failed to bear the common or usual name of each active ingredient, including the name, quantity, or proportion of the preparation of mercury. Section 502 (f) (2), the articles were a laxative and their labelings failed to warn that they should not be used when abdominal pain, nausea, vomiting, or other symptoms of appendicitis were present, and that frequent or continued use of the articles might result in dependence on laxatives to move the bowels; and, Section 502 (b) (2), the labels of the articles bore no statement of the quantity of the contents.

**DISPOSITION:** March 24, 1948. A plea of guilty having been entered, the defendant was fined \$500, was given a suspended sentence of 3 months in jail, and was placed on probation for 1 year.

**2360. Misbranding of Jaxon Periodic Medicine. U. S. v. Milton L. Lieberman (Jaxon Products Co.). Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 23255. Sample No. 15769-H.)**

**INFORMATION FILED:** January 19, 1948, Northern District of Illinois, against Milton L. Lieberman, trading as the Jaxon Products Co., Chicago, Ill.

**ALLEGED SHIPMENT:** On or about November 4, 1946, from the State of Illinois into the State of Wisconsin.

**PRODUCT:** Analysis disclosed that the product consisted of black-coated tablets containing an alkaloid, an emodin bearing drug, asafetida, and iron.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement on the box "Periodic Medicine," and certain statements in leaflets entitled "Directions" and "Price List and Order Blank" enclosed in the box, were false and misleading, since they represented and suggested that the article would be of value for use during menstrual periods; that it would be efficacious in the treatment of amenorrhea (unnatural suppression of menstruation), dysmenorrhea (difficult or painful menstruation), oligomenorrhea (scanty, suppressed menstruation), menotasis (menstrual pain preceding menstruation and resultant transient nervousness and irritability), and functional disorders due to colds, worry, fear (pseudo-pregnancy); and that it would be efficacious in the treatment of functional distress due to colds, worry, fear, and those conditions implied by the abbreviation "etc." The article would not be of value, and it would not be efficacious for the purposes represented.